

Assembly Bill No. 3080

CHAPTER 356

An act to amend Section 6001 of the Business and Professions Code, relating to attorneys.

[Approved by Governor August 27, 2004. Filed with
Secretary of State August 30, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3080, Committee on Judiciary. California State Bar.

Existing law, the State Bar Act, provides for the licensing and regulation of attorneys by the State Bar of California.

This bill would require the State Bar to publicize to its members in the annual dues statement and other appropriate communications that its members have the right to limit the sale or disclosure of member information not reasonably related to regulatory purposes. The bill would require the State Bar, in those communications, to note the location of its privacy policy and a simple procedure by which a member may exercise his or her right to prohibit or restrict the sale or disclosure of member information. The bill would require the State Bar to report, on or before May 1, 2005, to the Assembly and Senate Committees on Judiciary regarding the procedures it has in place to ensure that members can appropriately limit the use of their member information.

The people of the State of California do enact as follows:

SECTION 1. Section 6001 of the Business and Professions Code is amended to read:

6001. The State Bar of California is a public corporation. It is hereinafter designated as the State Bar.

The State Bar has perpetual succession and a seal and it may sue and be sued. It may, for the purpose of carrying into effect and promoting its objectives:

- (a) Make contracts.
- (b) Borrow money, contract debts, issue bonds, notes and debentures and secure the payment or performance of its obligations.
- (c) Own, hold, use, manage and deal in and with real and personal property.
- (d) Construct, alter, maintain and repair buildings and other improvements to real property.

(e) Purchase, lease, obtain options upon, acquire by gift, bequest, devise or otherwise, any real or personal property or any interest therein.

(f) Sell, lease, exchange, convey, transfer, assign, encumber, pledge, dispose of any of its real or personal property or any interest therein, including without limitation all or any portion of its income or revenues from membership fees paid or payable by members.

(g) Do all other acts incidental to the foregoing or necessary or expedient for the administration of its affairs and the attainment of its purposes.

Pursuant to those powers enumerated in subdivisions (a) to (g), inclusive, it is recognized that the State Bar has authority to raise revenue in addition to that provided for in Section 6140 and other statutory provisions. The State Bar is empowered to raise that additional revenue by any lawful means, including, but not limited to, the creation of foundations or not-for-profit corporations.

The State Bar shall conspicuously publicize to its members in the annual dues statement and other appropriate communications, including its Web site and electronic communications, that its members have the right to limit the sale or disclosure of member information not reasonably related to regulatory purposes. In those communications the State Bar shall note the location of the State Bar's privacy policy, and shall also note the simple procedure by which a member may exercise his or her right to prohibit or restrict, at the member's option, the sale or disclosure of member information not reasonably related to regulatory purposes. On or before May 1, 2005, the State Bar shall report to the Assembly and Senate Committees on Judiciary regarding the procedures that it has in place to ensure that members can appropriately limit the use of their member information not reasonably related to regulatory purposes, and the number of members choosing to utilize these procedures.

No law of this state restricting, or prescribing a mode of procedure for the exercise of powers of state public bodies or state agencies, or classes thereof, including, but not by way of limitation, the provisions contained in Division 3 (commencing with Section 11000), Division 4 (commencing with Section 16100), and Part 1 (commencing with Section 18000) and Part 2 (commencing with Section 18500) of Division 5, of Title 2 of the Government Code, shall be applicable to the State Bar, unless the Legislature expressly so declares.

